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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 ABHINAV BHATNAGAR,
12 Plaintiff,

No. C 07-02669 CRB

ORDER

13 v.

14 JASON INGRASSIA, et al.,
15 Defendants.
16 _____/

17 Now pending before the Court is plaintiffs' motion in limine. Plaintiffs' motion for
18 the application of issue preclusion is DENIED. See Davis v. Eide, 439 F.2d 1077, 1078 (9th
19 Cir. 1971); Yezek v. Mitchell, 2007 WL 61887 (N.D. Cal. Jan. 8, 2007); McCoy v.
20 Hernandez, 203 F.3d 371, 374-75 (5th Cir. 2000); Duncan v. Clements, 744 F.2d 48, 51-52
21 (8th Cir. 1984). The Court has finally decided this issue; plaintiff shall not engage in
22 discovery that is relevant only to the question of issue preclusion.

23 As the Court indicated at oral argument, the results of the prior proceedings, and the
24 findings from those proceedings, are nonetheless admissible and relevant to various issues in
25 the case. After reviewing United States v. Sine, 493 F.3d 1021 (9th Cir. 2007), the Court
26 concludes that it is premature to determine exactly how, and in what form, the evidence of
27 the prior proceedings shall be admitted. Such a determination, as well as the determination
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of the order of proof, cannot be made until the time of trial.

IT IS SO ORDERED.

Dated: May 5, 2008



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE